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Attorneys for Alleged Debtor Stewart Homes Inc.
dba 5 Star Homes

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

SANTA ANA DIVISION

In re:

STEWART HOMES INC., dba 5 STAR
HOMES,

Alleged Debtor.

Case No. 8:23-bk-12060-TA

Chapter 7

**STIPULATION BETWEEN THE
ALLEGED DEBTOR AND
PETITIONING CREDITORS TO
CONTINUE MOTION CUTOFF DATE**

Pre-Trial Conference

Date: December 5, 2024

Time: 11:00 a.m.

Ctrm: 5B

Location: 411 West Fourth Street

Santa Ana, CA 92701

1 This stipulation (“Stipulation”) is entered into between alleged chapter 7 Debtor, Stewart
2 Homes Inc., dba 5 Star Homes (“Alleged Debtor”) and Mobile Direct LLC and Mobile Direct 2
3 LLC (collectively, the “Petitioning Creditors”, and together with the Alleged Debtor, the
4 “Parties”), by and through their undersigned counsel of record, with regard to the following:

5 **I. RECITALS**

6 A. On October 7, 2023, the “Petitioning Creditors filed an involuntary petition
7 (“Involuntary Petition”) for chapter 7 bankruptcy relief against the Alleged Debtor, commencing
8 the case entitled *In re Stewart Homes Inc.*, Case No. 8:23-bk-12060-TA (the “Bankruptcy Case”).

9 B. On March 12, 2024, the Parties appeared for a Status Conference and agreed to the
10 following: Last day to complete discovery is June 30, 2024; Last Day to file Pre-Trial Motions is
11 July 19, 2024; Pre-Trial Conference is set for August 1, 2024 at 10:00 a.m.; and Joint Pre-Trial
12 Stipulation and order due per Local Rules. See Docket No. 47. No scheduling order was lodged,
13 as noted in Docket No. 47.

14 C. Subsequently, the Alleged Debtor propounded discovery on the Petitioning Creditors,
15 which the Alleged Debtor has granted an extension to August 31, 2024. Additionally, the Parties
16 are still actively involved in settlement negotiations with Judge Scott Clarkson in relation to this
17 Involuntary Bankruptcy case and in conjunction with the currently pending in the United States
18 District Court, Central District of California, entitled *Wells Fargo Bank, N. A., a national bank*
19 *association, vs. Stewart Homes, Inc., a California corporation, dba 5 Star Homes; Capital (360),*
20 *Inc., a California corporation; David M. Tofolo, an individual; Amy S. Stewart, trustee of the*
21 *Stewart Trust; and Does 1-10, inclusive*, U.S.D.C. Case Number 8:23-cv-01800-DOC-ADS,
22 before the Honorable Judge David O. Carter (the “WFB Lawsuit”). The Parties, and others from
23 the WFB Lawsuit, are scheduled for a mediation with Judge Clarkson on July 12, 2024.

24 D. On July 12, 2024, the Court entered an order continuing the last day to serve discovery
25 to July 31, 2024, file Pre-Trial Motions, which includes discovery motions to October 21, 2024
26 and set the Pre-Trial Conference to December 5, 2024 at 10:00 a.m.

27 E. The Parties have agreed to a one week extension to continue the last day to file Pre-
28 trial Motions.

II. STIPULATION

Based on the foregoing, the Parties stipulate to:

1. Continue the last day to file Pre-Trial Motions (which includes any discovery motions) to October 28, 2024.

SO STIPULATED.

Dated: October 14, 2024

GOE FORSYTHE & HODGES LLP

By: /s/Marc C. Forsythe

Marc C. Forsythe

Charity J. Manee

Attorneys for Alleged Debtor Stewart
Homes Inc., dba 5 Star Homes

Dated: October 14, 2024

WALL & SON

By: 

William J. Wall

Attorneys for Petitioning Creditors

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 17701 Cowan, Suite 210, Irvine, CA 92614.

A true and correct copy of the foregoing document entitled (*specify*): **STIPULATION BETWEEN THE ALLEGED DEBTOR AND PETITIONING CREDITORS TO CONTINUE MOTION CUTOFF DATE** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) October 15, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) October 15, 2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows: Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:

(*state the method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) October 15, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows: Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

THE REQUIREMENT OF LBR 5005-2(d) TO PROVIDE JUDGES COPIES IS SUSPENDED AT THIS TIME

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 15, 2024

Danielle Cyrankowski

/s/ Danielle Cyrankowski

Date

Printed Name

Signature

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

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